

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

HERSHEL STANLEY,

Plaintiff,

v.

Case No. 11-C-0432

ROBERTA ROALKVAN and
SOCIAL SECURITY ADMINISTRATION,

Defendant.

ORDER

The pro se Plaintiff has filed an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 naming an employee of the Social Security Administration as the defendant. The defendant is Roberta Roalkvan, which is misspelled in the Complaint as Roalkban. Roalkvan was served by the U.S. Marshal on July 19, 2011, and the Court recently issued an Order directing the Plaintiff to proceed either for a default motion or in some other fashion or risk having the case dismissed for failure to prosecute. The United States Attorney has advised the Court that service is so far defective and incomplete. Specifically, the United States calls the Court's attention to the fact that the proper defendant, where a federal employee is sued in their official capacity is the agency that employs that person. Accordingly, the caption in the case should be amended to add the Social Security Administration as a defendant. Furthermore, proper service requires that the party serve the United States and send a copy of the summons and complaint by registered or certified mail to the agency, corporation, office or employee.

Based upon the foregoing, the Court hereby directs that a certified copy of the Summons and Complaint now amended to include the Social Security Administration be sent to the United States Attorney's Office in Milwaukee, Wisconsin, and to the Attorney General of the United States pursuant to Fed. R. Civ. P. 4(i)(1)(A) and (B). The Court further orders the time for completing service extended to accommodate the time necessary to effect service in this fashion.

Further, for the reasons set forth above, the motion for a default judgment filed by the Plaintiff is denied.

SO ORDERED this 21st day of November, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge